

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

**THE ESTATE OF BETTIE JEAN WALDRUP,
DECEASED, BY AND THROUGH JAMES W.
WALDRUP, HER NEXT FRIEND,**

PLAINTIFF,

VS.

CIVIL ACTION NO. 4:05CV98-P-B

**NATIONAL HERITAGE REALTY d/b/a
INDIANOLA HEALTH & REHABILITATION
CENTER, ET AL.,**

DEFENDANT.

ORDER

This matter comes before the court upon Defendants' Motion for Partial Summary Judgment [33-1]. Upon due consideration of the motion and the response filed thereto, the court finds the following, to-wit:

Given that discovery is not due until April 28, 2006, the motion should be denied as premature.

IT IS THEREFORE ORDERED AND ADJUDGED that Defendants' Motion for Partial Summary Judgment [33-1] is **DENIED**.

SO ORDERED this the 27th day of December, A.D., 2005.

/s/ W. Allen Pepper, Jr. _____
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE